

EPA REGION III

◇Office of Public Affairs

◇◇Early Bird Headlines

Monday, March 5, 2012

***** MORNING HOT LIST *****

EPA heightens scrutiny of Pa.'s Marcellus Shale gas field amid reports of water contamination

ASSOCIATED PRESS (Pa.) DIMOCK, Pa. — Tugging on rubber gloves, a laboratory worker kneels before a gushing spigot behind Kim Grosso's house and positions an empty bottle under the clear, cold stream. The process is repeated dozens of times as bottles are filled, marked and packed into coolers. After extensive testing, Grosso and dozens of her neighbors will know this week what may be lurking in their well water as federal regulators investigate claims of contamination in the midst of one of the nation's most productive natural gas fields. More than three years into the gas-drilling boom that's produced thousands of new wells, the U.S. Environmental Protection Agency and the state of Pennsylvania are tussling over regulation of the Marcellus Shale, the vast underground rock formation that holds trillions of cubic feet of gas. The state says EPA is meddling. EPA says it is doing its job.

Fight possible over Pa. drilling rules on zoning

ASSOCIATED PRESS (Pa.) HARRISBURG, Pa. (AP) — In the final weeks before the Legislature approved a sweeping Marcellus Shale law, Brian Coppola met with his area's lawmakers to warn against stripping municipalities of their zoning power to influence the location of drilling rigs, wastewater pits and compressor stations. The township official even met with Lt. Gov. Jim Cawley, Gov. Tom Corbett's point man on Marcellus Shale issues — but he couldn't change enough minds. "Municipalities right now are in panic mode because nobody believed they would do something like this," said Coppola, chairman of the Robinson Township supervisors in Washington County, about 20 miles west of Pittsburgh, where drilling is brisk and plentiful. The law's authors say Coppola's concerns are extreme and unfounded, but his fears were echoed by Democrats during vigorous debate on the Republican-penned bill: Municipalities can no longer adequately protect homes or businesses, and possibly even schools or parks, from nearby drilling activity that could damage a community's quality of life and property values.

Chesapeake Energy facing DOJ investigation

ASSOCIATED PRESS (W. Va.) CHARLESTON, W.VA. — The Department of Justice is investigating possible environmental violations by Chesapeake Energy at three of its well sites in West Virginia. Federal investigators are looking into the possibility of criminal violations and other liabilities under the Clean Water Act, Chesapeake said in a filing Wednesday with the Securities and Exchange Commission. Michael Kehs, a

spokesman for Chesapeake, said the investigation involves “the movement of dirt or rock without proper permitting.” Chesapeake said it also is working with the Environmental Protection Agency to resolve compliance orders issued in the fourth quarter of 2010 concerning Clean Water Act compliance.

Farmers facing stricter regulations

JOHNSTOWN TRIBUNE-DEMOCRAT EBENSBURG — Nationwide efforts to clean up waters such as the Chesapeake Bay or the Mississippi River have sparked tightened regulation . The regulations will impact the owner of a single animal as well as those with a herd of 300 dairy cows. The state Department of Environmental Protection, working with the federal Environmental Protection Agency, is spearheading a push for compliance for every farm animal owner to develop a plan on how the manure will be stored and where and when it will be used. Farmers also are seeing tighter regulations for soil and erosion control close to stream banks and fencing to keep livestock out of streams.

Commissioners call out MDE on WIP

SOUTHERN MARYLAND ONLINE Now that Calvert County officials have compared local watershed implementation plan costs with those of other jurisdictions, the Calvert County Board of County Commissioners is requesting an explanation as to how those costs were developed from the Maryland Department of the Environment. On Tuesday the commissioners unanimously approved a letter to MDE explaining why the \$1.28 billion cost for Calvert to implement the U.S. Environmental Protection Agency’s mandated WIP is too much to ask of the county, and requesting a representative from MDE attend a future BOCC meeting and provide answers. After the EPA handed down to various states in the Chesapeake Bay watershed goals for restoring the health of the bay, the state then used the Chesapeake Bay model to devise total maximum daily nutrient loads that each county must attain by 2025, or else those counties could lose state and federal funding. While a plan to clean up the bay is a noble one, Calvert County Environmental Planner David Brownlee said, “The costs, however, are unreasonable even with implementation of a stormwater utility fee and doubling the Bay Restoration Fund,” which supplies funding to install nitrogen-removing septic systems. Calvert’s WIP will work by 2025, Brownlee said, but only if the money can be acquired, since the cost of implementing the plan is more than five times the county’s current budget. That cost, according to the BOCC letter, “cannot reasonably be passed on to our citizens.”

Study: Md. could be home to 365 natural gas wells

ASSOCIATED PRESS (Md.) BALTIMORE (AP) Western Maryland could be home to 365 natural gas wells that employ more than 1,800 people, according to a study an industry group released Thursday. The study released by the Maryland Petroleum Council estimates the wells would produce gas for 30 years, and more than \$200 million in revenue for the state, about \$160 million for Garrett County and \$65 million for Allegany County over that period. “The fiscal impact from this will be simply enormous, particularly at the local government level,” said Anirban Basu, chairman and CEO of the Sage Policy Group, a Baltimore economic and policy consulting firm that prepared the study. However, Basu noted the figures were estimates based on gas prices that can vary. Drilling is also expected to create a wide variety of jobs, noting about 420 people in 150 occupations are needed to bring a single well online.

Bay oyster may be in recovery mode

WASHINGTON POST A modern-day Lazarus story is taking shape in the Chesapeake Bay, a resurrection from the all but dead. The bay oyster is making a modest comeback, judging from last year’s harvest. The oyster’s habitat is dangerously polluted, its reefs overfished, its numbers decimated by a pair of ravaging diseases — and yet it lives. Virginia and Maryland officials recently gave welcome news for everyone concerned with the fate of the iconic bivalve, a once abundant and precious resource that helped shape the identities of the states and provided a way of life for watermen. Virginia harvested only 79,600 bushels of oysters in 2005 but racked up 236,200 last year, the most since 1989. Maryland had only 26,400 bushels in 2005 but hauled in 121,200 last year.

PENNSYLVANIA

PHILADELPHIA INQUIRER

Commentary: Small Matters: Natural gas boom an example of effective innovation American entrepreneurship and ingenuity have made the United States the wealthiest economy in the world and will continue to do so in the future if it is not smothered by taxes and unproductive regulation. The boom in natural gas is another good example of this. The hydraulic-fracturing technology was invented and developed in Texas, and it is the key to unlocking the estimated 900 trillion cubic feet of shale gas available in the United States (and the estimated 6,000 trillion cubic feet globally). Shale gas alone could provide 100 percent of U.S. gas consumption for decades and, added to the existing reserves of nearly 300 trillion cubic feet, has driven the cost of natural gas down by two-thirds.

Sunoco's demise a 'Gothic tale' 100 years in the making **Peter Waitneight** took a plum job at **Sunoco Inc.'s** old headquarters, 1608 Walnut St., in 1966. His Princeton and Wharton classmates congratulated him: Working at the Philadelphia oil giant "meant a job for life." So the "virtual liquidation" of Sunoco - the closing of its historic Marcus Hook refinery, and the planned sale or shutdown of the Philadelphia oil complex it assembled from departed firms - has been especially sad, said Waitneight, Sunoco's ex-treasurer. But he can't say he didn't see it coming: "This is a Gothic tale that spans more than 100 years." Sunoco's **Pew Family** founders were engineers, chemists, and real estate men, he said: "they were not oil risk-takers. They were not wildcatters."

GreenSpace: Save a watt: Be an off-peak energy user

My clothes washing machine has a feature that allows me to feel marvelously virtuous. It's a timer. My routine is to load the machine in the evening, have it run in the wee hours, and then hang the clothes in the morning. But is this just a feel-good gesture? I hold that it makes a difference, that it's the next level of wise energy use. Using less energy overall is certainly a worthy goal. The way to make an even bigger difference is to use less energy at specific times - those "peak" hours when so many other pieces of machinery are sucking down the juice. Consider that the whole electrical system - the grid - has to be sized to meet that peak demand. Nobody wants to flip the switch and not have the lights come on. Right now, nearly 50 percent of the power supplied to this region's grid, which encompasses all or parts of 13 states and the District of Columbia, comes from coal-fired power plants. Many of them are decades old and are major polluters. Faced with tightening federal regulations, many will have to make expensive upgrades or shut down. Last week, GenOn Energy announced plans to retire seven coal-fired power plants, including five in Pennsylvania. One of them, the Portland Generating Station on the New Jersey border, has been embroiled in legal wrangling. New Jersey officials said the plant was polluting their air, and the federal Environmental Protection Agency ordered it to reduce its emissions.

PITTSBURGH POST-GAZETTE

Environmental school fixes lottery process After a miscoding problem in the initial school lottery, the Environmental Charter School at Frick Park has decided to honor the names already drawn and continue drawing names at 6:30 p.m. Wednesday at the school. More than 450 people were competing for 40 to 50 slots in K-7 for the fall, principal Jon McCann said. Under state law, the slots must be filled by lottery, with the residents of the chartering district -- in this case Pittsburgh -- drawn before nonresidents.

ERIE TIMES-NEWS

Lake Erie advocate joins environmental leaders meeting at White House Great Lakes environmental leaders, including one from Erie, met with Obama administration officials at the White House this week to talk about topics like Asian carp and algae blooms. Tom Fuhrman, president of the Erie-based Lake Erie Region Conservancy, said he was the only person from Pennsylvania to attend the briefing on the Great Lakes region. Fuhrman said the event

Wednesday, hosted by the White House Council on Environmental Quality and the Office of Public Engagement, was a positive experience. "I'm energized," he said after returning to Erie. The group heard from officials representing the U.S. Environmental Protection Agency and the Departments of Agriculture, Commerce and the Interior. Fuhrman called it "encouraging" to see so many agencies working together for good environmental policy.

STANDARD-SPEAKER

Lawmaker: Drilling fee doesn't aid environment A new state law that allocates \$1 million annually to the Pennsylvania Fish and Boat Commission from the Marcellus Shale natural gas drilling impact fee doesn't go far enough, according to a local state legislator. State Rep. Gerald Mullery, D-119, Newport Township, hosted a public meeting about boating and fishing issues Thursday at Crestwood High School. Some residents who attended expressed concerns about the gas drilling and the damage it could cause to lakes, rivers and other water resources. Mullery said he also is concerned and that's why he supported the law, but feels the \$1 million per year for permit reviews falls short.

LEBANON DAILY NEWS

Drillers' rules no protection to citizens Act 13 goes beyond being industry friendly. Left in place, this law provides a legal blueprint for the environmental destruction of Pennsylvania, negatively affecting all citizens. Homeowners are endangered because the law "preempts and supersedes" local zoning. This law requires that gas drilling must be a permitted use in all zoning districts. Act 13 contains a litany of restrictions so as not to impede the gas industry and does almost nothing to define or limit the operations of gas drillers! Why is no attempt made to require gas industry conformance to a state gas exploration plan specifying where drilling and pipeline construction can safely occur - for the protection of state parks, forests, and water? It appears state agencies now are required to place the "optimal development" of the gas industry above the constitutional mandate to protect natural resources. A new, bigger, crisis is facing Pennsylvania homeowners. Pennsylvania now has a new state law known as Act 13, which places impact fees on natural-gas drilling yet deprives homeowners of any control over what happens in their own backyard!

STATEIMPACT

Butler County Residents Protest Loss of Water Deliveries Kim McEvoy says she wakes up every morning thinking about water. "Where we're getting the water, it's like, how much water do you need today," says McEvoy. "It's on your mind all the time — water, water, water." To brush her teeth, she pours bottled tap water that her fiancé brings home from work. To flush the toilet, she uses rain water caught in a barrel set up in her backyard. Her laundry room now houses gallon jugs of clean water; she takes her clothes to a laundromat. Her bathtub is full of gallon jugs. To shower, and bathe her 3-year-old daughter, McEvoy walks half a mile to a friend's hunting cabin, pulling her daughter in a wagon. "It gets old really fast," she says. McEvoy, who lives in Connoquenessing, Butler County, cannot use her tap water to tend to her plants or clean her house. She can't give it to her two dogs and a rabbit. When she turns on the tap, water starts to run, but as it fills a jug, it soon looks brown and muddy. After filling a jug, the water runs out. "First it turned black, then brown; now it just runs out."

ASSOCIATED PRESS (Pa.)

EPA heightens scrutiny of Pa.'s Marcellus Shale gas field amid reports of water contamination DIMOCK, Pa. — Tugging on rubber gloves, a laboratory worker kneels before a gushing spigot behind Kim Grosso's house and positions an empty bottle under the clear, cold stream. The process is repeated dozens of times as bottles are filled, marked and packed into coolers. After extensive testing, Grosso and dozens of her neighbors will know this week what may be lurking in their well water as federal regulators investigate claims of contamination in the midst of one of the nation's most productive natural gas fields. More than three years into the gas-drilling boom that's produced thousands of new wells, the U.S. Environmental Protection Agency and the state of Pennsylvania are tussling over regulation of the Marcellus Shale, the vast underground rock formation that holds trillions of cubic feet of gas. The state says EPA is meddling. EPA says it is doing its job.

Fight possible over Pa. drilling rules on zoning HARRISBURG, Pa. (AP) — In the final weeks before the Legislature approved a sweeping Marcellus Shale law, Brian Coppola met with his area's lawmakers to warn against stripping

municipalities of their zoning power to influence the location of drilling rigs, wastewater pits and compressor stations. The township official even met with Lt. Gov. Jim Cawley, Gov. Tom Corbett's point man on Marcellus Shale issues — but he couldn't change enough minds."Municipalities right now are in panic mode because nobody believed they would do something like this," said Coppola, chairman of the Robinson Township supervisors in Washington County, about 20 miles west of Pittsburgh, where drilling is brisk and plentiful. The law's authors say Coppola's concerns are extreme and unfounded, but his fears were echoed by Democrats during vigorous debate on the Republican-penned bill: Municipalities can no longer adequately protect homes or businesses, and possibly even schools or parks, from nearby drilling activity that could damage a community's quality of life and property values.

SCRANTON TIMES

North Branch Land Trust opens door to drilling beneath Howland Preserve

Land trust allows underground gas drilling Decision puts ethics in question. In a turnaround from its earlier stance, the North Branch Land Trust has opened the door to natural gas drilling beneath the Wyoming County property it pledged to conserve. The trust's executive director says the change allows it to keep drilling companies off the surface of the land. But one of the trust's founders believes leasing pristine land for subsurface drilling, a practice that has the potential to ruin it and neighboring land, is unethical. ... The Howland Preserve is in the middle of some of the most desirable land for drilling in Wyoming County. One of the highest-producing wells in the state - drilled by Citrus Energy in partnership with Procter & Gamble - is next door. In July 2010, the board adopted a policy on subsurface fossil fuels and mineral extraction. It included the clause: "Due to the current status of state and federal laws and regulations governing the industry and the current conditions in the industry in general, NBLT will not consider any form of lease agreement for the extraction of fossil fuels, minerals or any other subsurface resource under any NBLT owned properties at this time." A few weeks ago, the board changed the policy to exclude that clause. NBLT Executive Director Paul Lumia said it was because gas companies want to drill on the Vosburg Neck on land the trust didn't own. If the trust could negotiate with the companies, it might be able to stop them by offering a nonsurface lease. subsurface drilling, a practice that has the potential to ruin it and neighboring land, is unethical.

NORTHCENTRALPA.COM

Note to EPA on Dimock: Less is Not Always More

As most people are aware, the last few weeks the Environmental Protection Agency (EPA) was in Dimock to test the water of about 60 households. During this process, the Pennsylvania Department of Environmental Protection (DEP) and Cabot Oil and Gas were also allowed to conduct their own tests at each of these properties. Guess what? It turns all these residents allowed Cabot to conduct tests; everyone **except, that is the handful of litigants** who requested EPA involvement in this issue. Strange, isn't it? One would suppose these folks would want as much information as they could get, but they did not. They only wanted selective testing by an EPA that relied upon readings for elements such as manganese and sodium, for which there are no primary drinking water standards. It says a lot, doesn't it? Read on to find out what occurred as Energy In Depth (EID) covered the testings.

Will Dryden Go Dry with This Taking? As a resident of the Town of Dryden, I read with interest the opinion of Judge Rumsey in the Anschutz v. Dryden suit. While this appears to be a temporary victory for the current political leadership of the Town (Judge Rumsey did throw out the overbearing claim of the Town that its local zoning ordinance would override federal and state permits), it is only the first round in what is likely to be a long legal battle. A good analogy is that the Dryden team has scored a field goal in the first quarter of an NFL game. So, when the anti-gas people claim a great victory, they claim too much. What can happen next? Anschutz could appeal the zoning ruling to the Appellate Division, which is an appeal by right. If they lose there, they can seek to take the case to New York's highest court, the Court of Appeals. Or, they could accept the court's decision (state Supreme Court decisions set no binding precedents) on the zoning issue. That could open the door to an immediate suit for a taking of Anschutz's entire property rights (their leases) in Dryden, a suit that could entail a claim for five million dollars.

JOHNSTOWN TRIBUNE-DEMOCRAT

Counties likely to OK fees for *Marcellus* gas— All or nearly all of the 40-plus Pennsylvania counties that sit atop Marcellus Shale natural gas likely will enact a per-well fee, according to the state Association of County

Commissioners. Closer to home, officials in Cambria and Somerset counties expect to adopt resolutions imposing the fee, but they want more time to study the issue. “So far to this date, it’s been overwhelming that Cambria County residents want a fee, but we don’t have to rush it,” Cambria Commissioner Douglas Lengenfelder said. Somerset officials continue to review their position, but in all likelihood they will enact the resolution and begin levying the fee, Commissioner Pamela Tokar-Ickes said.

Farmers facing stricter regulations

EBENSBURG — Nationwide efforts to clean up waters such as the Chesapeake Bay or the Mississippi River have sparked tightened regulations

The regulations will impact the owner of a single animal as well as those with a herd of 300 dairy cows. The state Department of Environmental Protection, working with the federal Environmental Protection Agency, is spearheading a push for compliance for every farm animal owner to develop a plan on how the manure will be stored and where and when it will be used. Farmers also are seeing tighter regulations for soil and erosion control close to stream banks and fencing to keep livestock out of streams.

PITTSBURGH BUSINESS TIMES

EPA, DEP battle over Marcellus Shale There's a growing tension between the Pennsylvania Department of Environmental Protection and the U.S. Environmental Protection Agency, which has recently stepped up its investigation of the Marcellus Shale. The Associated Press looks at the tension and how it has developed, both in northeastern and southwestern Pennsylvania where drilling is going on. Pennsylvania is upset about the EPA's increase in investigations of drinking water contamination; EPA says it's concerned about what is happening with drinking water.

WASHINGTON, D.C.

WASHINGTON POST

Bay oyster may be in recovery mode A modern-day Lazarus story is taking shape in the Chesapeake Bay, a resurrection from the all but dead. The bay oyster is making a modest comeback, judging from last year’s harvest. The oyster’s habitat is dangerously polluted, its reefs overfished, its numbers decimated by a pair of ravaging diseases — and yet it lives. Virginia and Maryland officials recently gave welcome news for everyone concerned with the fate of the iconic bivalve, a once abundant and precious resource that helped shape the identities of the states and provided a way of life for watermen. Virginia harvested only 79,600 bushels of oysters in 2005 but racked up 236,200 last year, the most since 1989. Maryland had only 26,400 bushels in 2005 but hauled in 121,200 last year.

Shale gas boom presents a dilemma for Ohioans

The help-wanted sign is out in Canton, Ohio, for Chesapeake Energy. The company that has led the charge in shale gas drilling is looking for truck drivers with licenses for hazardous materials, a purchasing coordinator for oil field equipment, a pipeline technician, a field safety coordinator, administrative assistants, troubleshooting electricians, a tax analyst and more. Chesapeake is mobilizing for a massive drilling and development campaign in the state. The company has spent \$2.2 billion and amassed about 800,000 acres of leases in the rich Utica shale that runs underneath eastern Ohio. It has eight rigs running and will have 20 poking holes in the ground around Election Day. It plans to install 200 miles of pipeline this year to bring its bounty to market.

Pohanka finds Fairfax green rules onerous When Pohanka Automotive Group decided to build a new car dealership in Chantilly, the company agreed to dozens of environmentally friendly features that would make its building one of the greenest around. The list included clean, energy-saving touches such as a reflective roof, bike racks, a shower for cyclists, motion-sensor faucets, curbs on light pollution, using recycled water in its car wash, and a service shop open seven days a week to cut peak-hour traffic. To top it off, the company promised to build a 117-foot-tall wind

turbine to generate electricity.

DELAWARE

ASSOCIATED PRESS (Del.)

DELAWARE: Hearing set for Bloom Energy fuel cell project NEW CASTLE, Del. — State officials are preparing for a hearing to consider whether to grant a permit to Bloom Energy for construction of a highly touted fuel cell project. Bloom Energy, in the form of Diamond State Generation Partners LLC, is requesting a permit under Delaware's Coastal Zone Act to install and operate 235 fuel cells, also known as Bloom Boxes. A public hearing on the permit request is set for Tuesday evening at the DNREC offices in New Castle. The fuel cells would be installed on a site off River Road in New Castle, near Red Lion Creek, and would send electricity to Delmarva Power's nearby Red Lion substation.

DELMARVANOW.COM

Storm of '62 felt for years after devastation BETHANY BEACH -- The Storm of '62 changed how residents viewed emergency preparedness and set the stage for governmental policies and procedures to better protect the coast. In 1971, the state reorganized its operating structure and formed the Delaware Department of Natural Resources and Environmental Control. According to DNREC Shoreline Administrator Tony Pratt, that decision was made as a result of the storm. State legislators tasked the group with beach preservation; DNREC employees were to make sure the dunes were intact in case a storm of that magnitude struck again.

WEST VIRGINIA

CHARLESTON GAZETTE

Chesapeake faces criminal Clean Water Act probe West Virginia media outlets are focusing in this morning on a report out of Oklahoma about Chesapeake Energy facing a criminal investigation of Clean Water Act violations at some of its operations here in West Virginia. The Oklahoman reported today: *Chesapeake Energy Corp. is facing possible criminal charges as the U.S. Department of Justice investigates whether the oil and natural gas producer violated the Clean Water Act in West Virginia. Chesapeake is cooperating with the investigation, which it disclosed this week in a regulatory filing. "We are working with the government to resolve potential violations at three sites in Marshall and Wetzel counties," spokesman Michael D. Kehs said Thursday. "These actions occurred primarily in 2008 and 2009, and are related to road maintenance and pond construction," he said. "Because an investigation is ongoing, it would be inappropriate to offer further public comment at this time."*

W.Va. citizens to benefit from development of shale deposits under 'Marcellus' principles MOUNDSVILLE, W.Va. -- The Moundsville City Council passed a resolution late last month endorsing the "Marcellus Principles" that support hiring local workers for jobs in the state's growing Marcellus Shale natural gas industry. The "Marcellus Principles" seek to guarantee that West Virginia citizens benefit from the development of Marcellus Shale gas deposits in the state, which are concentrated in its northern and western counties. Many areas of West Virginia, including many of those counties, have suffered from high unemployment rates in recent years. The Affiliated Construction Trades Foundation, a statewide coalition of unions representing construction workers, has criticized

Marcellus Gas companies for bringing in too many workers from other states.

CHARLESTON DAILY MAIL

"Coal is filthy" campaigner faces criminal air pollution investigation

Remember the Coal Is Filthy campaign, funded in large part by natural-gas giant Chesapeake Energy? Well, it turns out the Environmental Protection Agency thinks Chesapeake Energy is filthy — and is investigating not just civil violations of environmental law, but criminal charges as well, the Associated Press reported. That Coal Is Filthy campaign is just part of the natural gas company's efforts to use environmental hysteria against a rival carbon-based fuel, coal. Chesapeake Energy bought off the Sierra Club for \$26 million which financed the Sierra Club's separate anti-coal campaign. That campaign ended when the Sierra Club double-crossed Chesapeake Energy and decided natural gas is also killing the planet. As the great Nelson Muntz says, ha-ha.

WATER ONLINE

Welch, W.Va. Settles Clean Water Act Violations The U.S. Environmental Protection Agency and West Virginia announced today that they have settled violations of the Clean Water Act involving sewage overflows in Welch, W.Va. Under the settlement filed by the U.S. Justice Department in federal district court, the City of Welch has agreed to implement a long term control plan to eliminate combined sewer overflows (CSOs) at an estimated cost of \$16 to \$23M. As part of this plan, Welch will completely separate its sanitary wastewater and storm sewers. In addition, Welch will develop and implement a plan for upgrading its treatment plant and monitoring system. Once implemented, the steps that Welch is required to take under this agreement will eliminate CSOs resulting in the discharge of approximately 400,000 gallons of raw sewage annually. Welch will also pay a \$5,000 penalty for past violations, split between the U.S. and West Virginia.

WEST VIRGINIA STATE JOURNAL

Chesapeake stream fills under DOJ investigation-updated

The U.S. Department of Justice is investigating possible criminal violations of the Clean Water Act at three Chesapeake Energy sites in Marshall and Wetzel counties, the company said in its annual filing with the Securities and Exchange Commission. "We are cooperating with the DOJ's investigation," the brief mention in Chesapeake's Feb. 29 filing reads. The grand jury of the U.S. District Court for the Northern District of West Virginia has issued a subpoena for information related to four sites, the company disclosed. In October and November 2010, the U.S. Environmental Protection Agency cited Chesapeake for illegally filling four tributaries to Fish Creek in Marshall and Wetzel counties. One of the sites was a waterfall on Blake Run near New Martinsville. Rose Baker of the Wetzel County Action Group said that site has been restored essentially to its previous condition. "I'm from here so I can see the difference but basically, we have our waterfall back," Baker said. "Chesapeake is not allowed to run their trucks through that creek anymore." The other three sites are the ones under investigation by the Department of Justice, she said.

PUBLIC NEWS SERVICE

Marcellus Jobs for Local Workers, but at Lower Wages? CHARLESTON, W.Va. - The Texas company building a big Marcellus Shale gas processing facility in Marshall County has asked West Virginia Northern Community College to train 100 entry-level pipefitters, but some say the program is there so CB&I doesn't have to pay the wages already-qualified local workers would ask.

Mike Koom, the school's vice president of work force development, says they used state grant money to set up the six-week program after CB&I said they needed help. "They did come to us and say they were having trouble finding folks, people with entry level skills, was there a way we could work together to get people trained very quickly?"

HUNTINGTON HERALD-DISPATCH

Donald Lyons: Hydraulic fracturing can boost the economy Hydraulic fracturing for oil and natural gas offers an opportunity to build a more competitive U.S. economy. Programs that result in the establishment of less expensive energy sources boost U.S. manufacturing, U.S. jobs, and the economy. Combined with horizontal drilling, hydraulic

fracturing is a technique being used to produce shale gas that now accounts for more than a third of U.S. gas production. That has led to an abundance of natural gas, which is helping manufacturing. After many years in decline, the chemical and steel industries are beginning to come back. A \$650 million steel factory is under construction in Youngstown, Ohio, to produce piping for new wells needed to extract natural gas from the Marcellus shale that underlies 50,000 square miles from West Virginia to New York. Also, chemical companies are investing in new plants to turn ethane made from shale gas into feedstock for plastics and fertilizer.

ASSOCIATED PRESS (W. Va.)

WVU fined for waste violations MORGANTOWN, W.Va. (AP) — West Virginia University was fined more than \$42,000 for hazardous waste management violations at two of its campuses. The state Department of Environmental Protection fined the university \$25,000 for not having personnel training records or a contingency plan for hazardous waste management, at the downtown east campus, which includes the Chemistry Building and White Hall, according to documents obtained by The Dominion Post. Other violations included having containers that were not clearly marked, containers left open, storing containers of hazardous waste and failing to perform annual hazardous waste training.

Chesapeake Energy facing DOJ investigation

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MARYLAND

BALTIMORE SUN

Motions denied in chicken litter suit brought by law school A federal judge on Thursday denied motions to bring an early end to the case accusing an Eastern Shore farm and the Perdue poultry company of polluting a tributary of the Chesapeake Bay, according to court documents. “After carefully reviewing all the argument, testimony, and evidence submitted by the parties, the Court cannot conclude, at this stage in the litigation, that any party is entitled to judgment,” U.S. District Court Judge William M. Nickerson wrote, denying motions for summary judgment that were filed in November by all three parties to the case. In 2010, the Waterkeeper Alliance, a New York-based environmental group with 18 chapters in Maryland, filed a lawsuit against Perdue and Alan and Kristin Hudson, who raise thousands of chickens every year for Perdue on their 293-acre Worcester County farm. A University of Maryland law school clinic is representing the plaintiffs.

Letter: New rules must require all farmers do their fair share to clean up the bay Regarding your recent commentary on animal waste and pollution in the Chesapeake Bay, I would like to point out that agriculture is not a monolithic industry uniformly opposed to the regulation of harmful nutrients that foul the Chesapeake Bay (“The biggest problem,” Feb. 20). I am a farmer in Frederick County who took the time from my operation to go to Annapolis Tuesday to testify in support of legislation to require better management of farm animal manure and sewage. I raise sheep, goats, hogs and poultry whose manure would be subject to the new rule.

Commentary: Don't export LNG in Maryland Proposed Cove Point facility would set back the state's efforts to make

environmental progress. In recent years, the natural gas industry plunged into a reckless gold rush across communities nationwide with dirty, dangerous drilling and "fracking" practices that are exempt from many clean air and water laws. Now the gas profiteers have realized that there's even more money to be made by liquefying the gas and shipping it overseas — and so what if that sends gas prices here at home through the roof? The proposed Dominion LNG export facility in Calvert County's Cove Point provides a good case study of why this practice is bad for the environment, for people and for our nation's fragile economy. The problems with gas begin with getting it out of the ground. Companies roll into a town or rural community, set up massive drilling rigs, and then grind through soil, rock and drinking water aquifers to reach the gas deposits. Next comes the hydraulic fracturing, or fracking, where millions of gallons of water mixed with sand, and a potentially toxic cocktail of chemicals, is pumped at high pressure into tiny cracks, breaking up the rock and releasing the gas. Not surprisingly, this violent process is known to contaminate drinking water, release huge amounts of the potent greenhouse gas methane into the air, disrupt life in local communities and create vast cleanup problems.

Bill would ban smoking in car with child under 8 A bill has emerged from a Senate committee that would prohibit a driver from smoking or allowing a passenger to smoke in a vehicle occupied by a child under 8 years old. The legislation, sponsored by Sen. Jennie Forehand, D-Montgomery, and approved by the Judicial Proceedings Committee, now goes to the Senate floor. The bill provides for a \$50 fine for violations, which would not be considered a moving offense. An exception is made for mobile homes being used as a residence.

SOTHERN MARYLAND ONLINE

Commissioners call out MDE on WIP Now that Calvert County officials have compared local watershed implementation plan costs with those of other jurisdictions, the Calvert County Board of County Commissioners is requesting an explanation as to how those costs were developed from the Maryland Department of the Environment. On Tuesday the commissioners unanimously approved a letter to MDE explaining why the \$1.28 billion cost for Calvert to implement the U.S. Environmental Protection Agency's mandated WIP is too much to ask of the county, and requesting a representative from MDE attend a future BOCC meeting and provide answers. After the EPA handed down to various states in the Chesapeake Bay watershed goals for restoring the health of the bay, the state then used the Chesapeake Bay model to devise total maximum daily nutrient loads that each county must attain by 2025, or else those counties could lose state and federal funding. While a plan to clean up the bay is a noble one, Calvert County Environmental Planner David Brownlee said, "The costs, however, are unreasonable even with implementation of a stormwater utility fee and doubling the Bay Restoration Fund," which supplies funding to install nitrogen-removing septic systems. Calvert's WIP will work by 2025, Brownlee said, but only if the money can be acquired, since the cost of implementing the plan is more than five times the county's current budget. That cost, according to the BOCC letter, "cannot reasonably be passed on to our citizens."

Morris wants proof septic systems hurt bay Commissioners talk to college's political science students Commissioner Dan Morris (R) told a class of college students on Tuesday that he wants proof that septic systems are damaging the Chesapeake Bay. His initial comments to them were how to deal with police. "When a cop pulls you over, don't argue with them on the street. You don't want anything to escalate out of control," Morris told a political science class from St. Mary's College of Maryland, who visited with the county commissioners. Morris then explained what he thought the role of government should be in a democracy. "You should never be afraid of the government," he said. However, when a tax bill increases, "it's not my choice. It's not the American way. Read the Constitution and realize what the government is supposed to do," he said. Commissioner Cindy Jones (R) said there are two main pressures on local governments in Maryland — fiscal challenges and state and federal mandates.

SALISBURY DAILY TIMES

Our View: Watermen go ghost hunting Removal of pots helps crabs, those who find them With some 1,000 watermen vying for an opportunity to retrieve ghost pots, you might think a Halloween party or paranormal investigation was about to take place. But no, it's nothing nearly as much fun as that. The term "ghost pots" refers to crab pots that are lost when they become separated from the buoys that indicate their underwater locations. This happens when the line that connects buoy to pot is severed, either during a storm or other bad weather, or by a

passing boat's propeller.

Colburn files bill for more Natural Resources Police OCEAN CITY -- In the next decade, the number of Natural Resources Police officers patrolling Maryland's waterways could nearly double, if state lawmakers pass a bill sponsored by Lower Shore state Sen. Richard Colburn. "Firsthand, I can tell you, there's not enough police officers out there in the Natural Resources Police to enforce the laws," Colburn, R-37-Dorchester, said. "So when times improve, we want to make sure that (NRP) staffing -- the officers working the Chesapeake Bay, working the Assawoman Bay, at Deep Creek -- those numbers increase." But the state's fiscal management arm opposes this, saying Colburn's desire to increase NRP manpower from 220 to 435 by fiscal year 2022 is an attempt to legislate personnel requirements by law, rather than in the annual budget bill.

BAY NET

Invasive* Blue and Flathead Catfish Threat to Bay Ecosystems

The Sustainable Fisheries Goal Implementation Team of the Chesapeake Bay Program (CBP Fisheries Team) recently agreed on the need to manage blue and flathead catfish. These invasive species have been shown in other regions to pose a significant threat to important native species. In the Chesapeake Bay region, blue and flathead catfish may harm species such as American shad and blueback herring in rivers from Virginia to Pennsylvania. The CBP Fisheries Team will work to develop bay-wide management actions for blue and flathead catfish based on existing and new science.

WBAL-BALTIMORE

Md. Gas-Drilling Panel To Meet In Hagerstown HAGERSTOWN, Md. -- A state commission on natural-gas drilling is taking a look at the regulatory landscape. The panel that is helping the state devise rules for safe drilling in the Marcellus Shale meets Monday at Hagerstown Community College. The agenda includes a review of current gas-well permitting procedures and a presentation about bills in General Assembly regarding the Marcellus Shale. One bill would outlaw storage or treatment of wastewater from gas-drilling operations in other states. Another would establish a tax on gas production to offset the cost of any environmental impact from gas drilling.

ASSOCIATED PRESS (Md.)

Study: Md. could be home to 365 natural gas wells BALTIMORE (AP) Western Maryland could be home to 365 natural gas wells that employ more than 1,800 people, according to a study an industry group released Thursday. The study released by the Maryland Petroleum Council estimates the wells would produce gas for 30 years, and more than \$200 million in revenue for the state, about \$160 million for Garrett County and \$65 million for Allegany County over that period.

TOWANDA DAILY REVIEW

Letter to the Editor, March 4, 2012 EDITOR: I'm very much in favor of the responsible development of natural gas in Pennsylvania. I'm thrilled for friends who have found jobs in the industry and for many who have seen a boost in their businesses and/or personal income due to the industry's presence. I'm also proud of my hometown of Athens and the greater community of Bradford County. My grandmother grew up in Towanda and my immediate family has been in the Sayre/Athens area for going on three generations. While I want the industry to thrive, I also want the best for our community. This necessarily includes enacting the impact fee passed by the legislature on Feb. 8 and signed into law by the governor on Feb. 14. Billion dollar industry: One reason given for not enacting the fee is the industry would be harmed and companies will leave the area, threatening the newfound pillar of our local economy. I believe this position is out of touch with the reality of this global industry's economic position. This is an industry that deals with numbers in the billions. With a B. The fee would be \$50,000 per well and decline over time. Not surprisingly, because our county has been the largest producer in the Commonwealth, it would provide the most revenue into the fund. Likewise, we will receive the most back: approximately \$10 million. This fee is divided among all companies working here. That means none will pay even close to \$10 million. For arguments sake however, let's

pretend Chesapeake would be responsible for the entire \$10 million. Considering the facts below, \$10 million is nothing.

VIRGINIA

RICHMOND TIMES-DISPATCH

Va. Supreme Court backs U Va. The Virginia Supreme Court ruled Friday that Attorney General Ken Cuccinelli overstepped his authority in demanding that the University of Virginia turn over documents related to the research of a climate scientist. In a decision that supporters welcomed as a victory for academic freedom but that hinged on the wording of a state fraud law, the court said Cuccinelli cannot use the statute to obtain records of former U.Va. professor Michael Mann. Cuccinelli, a global warming skeptic who is also suing the federal Environmental Protection Agency, issued civil investigative demands against U.Va. under the state's Fraud Against Taxpayers Act.

FAIRFAX STATION PATCH

Schools Show Off Environmental Efforts At Green Expo Saturday summit and showcase at George Mason University will bring together local leaders, educators to discuss future of environmental education. On the ground, the efforts of some Northern Virginia schools to make their communities more green can seem small. But organizers of Saturday's first-ever Northern Virginia Green School Expo hope they can show elected officials, educators, parents and community members all their efforts are part of a larger movement to reduce waste, conserve energy and connect students to their environments. "[We] wanted to give teachers, students and school volunteers an opportunity to share the good work they are doing and to learn from others in the region," Nova Outside cofounder Elaine Tholen said.

MISCELLANEOUS

ASSOCIATED PRESS

Fuel-efficient cars an answer to gas prices, Obama says WASHINGTON -- President Obama says higher auto mileage standards set under his administration and better cars built by a resurgent U.S. auto industry will save money at the gas pump over the long term, a counterpoint to Republican criticism of his energy policy. In his weekly radio and online address Saturday, Obama said Detroit automakers are on track to build cars that average nearly 55 miles per gallon by 2025, doubling current mileage standards. "That means folks will be able to fill up every two weeks instead of every week, saving the typical family more than \$8,000 at the pump over time," he said. "That's a big deal, especially as families are yet again feeling the pinch from rising gas prices." During the past several weeks, Obama has been eager to appear aggressive in the face of rising gasoline prices even as he reminds audiences that there is no simple, immediate solution that will reverse the current spike in prices.

BP oil spill settlement includes health monitoring and claims process for proven illnesses

BOOTHEVILLE, La. — A settlement that BP is hammering out with victims of the massive Gulf oil spill finally provides a system for monitoring health concerns and compensating people whose illnesses are found to have a link to the disaster. Government and university doctors studying locals' health haven't found significant evidence of spill-related illnesses, but problems years from now remain a question mark. Gulf Coast residents say they're happy their complaints are getting a serious look, even if they'll face hurdles in proving that rashes, shortness of breath and other

maladies were caused by the oil or chemical dispersants sprayed to break it up.

Animated environmental tale 'The Lorax' cleans up at the box office with \$70.7M opening LOS ANGELES — “Dr. Seuss’ The Lorax” raked in all kinds of green, earning \$70.7 million in its first weekend to score the biggest box-office debut of the year by far. The 3-D animated family film from Universal Pictures, featuring the voices of Danny DeVito, Zac Efron and Taylor Swift, is based on Seuss’ cautionary fable about the importance of preserving the environment. Of its opening haul, \$5.4 million, or 8 percent, came from IMAX screens, which is on the high side for a family film.

NEWARK STAR-LEDGER

Editorial: Closure of Portland Generating Station in Pa. comes with a breath of relief The Pennsylvania power plant that has generated tons of pollution along with electricity — and sent that steady stream of dirty gasses into New Jersey — will close within three years. The Portland Generating Station, just across the Delaware River from Warren County, is responsible for more sulfur dioxide emissions than all the power plants in New Jersey combined. The plant has been a thorn in the side of the Garden State for more than 50 years. Its pollution has contributed to illnesses, grime and acid rain through communities in Warren, Sussex, Morris and Hunterdon counties. In October, the Environmental Protection Agency ordered the plant to reduce those estimated 30,000 tons of sulfur-dioxide emissions each year by 80 percent. Other regulations set to begin in 2015 would require the plant to reduce its mercury emissions. Portland plant owner operator GenOn Energy concluded the cost of retrofitting operations to meet those rules would be prohibitive and so decided last week to close down instead. Portland is one of eight plants GenOn intends to close. The others, including a small plant in Glen Gardner, will close by mid-2015.

FARM FUTURES

New Era of Conservation Promoted by White House Conference Friday, President Obama and members of his Cabinet convened the White House Conference on Conservation to engage directly with conservation leaders from all 50 states to strengthen partnerships and identify next steps in advancing community-driven conservation and outdoor recreation initiatives that are building strong local economies and healthy lands, waters and wildlife across America.

WATER ONLINE

EPA Provides \$15M To Help Small Drinking Water And Wastewater Systems Across The Country

Funding will help small systems better serve local communities. The U.S. Environmental Protection Agency announced recently that it will provide up to \$15M in funding for training and technical assistance to small drinking and wastewater systems, defined as systems that serve fewer than 10,000 people, and private well owners. The funding will help provide water system staff with training and tools to enhance system operations and management practices, and supports EPA's continuing efforts to protect public health, restore watersheds and promote sustainability in small communities. Most of the funding, up to \$14.5M, will provide training and technical assistance to small public water systems to achieve and maintain compliance with the Safe Drinking Water Act and to small publicly-owned wastewater systems, communities served by on-site systems, and private well owners to improve water quality. More than 97 percent of the nation's 157,000 public water systems serve fewer than 10,000 people, and more than 80 percent of these systems serve fewer than 500 people. Many small systems face unique challenges in providing reliable drinking water and wastewater services that meet federal and state regulations. These challenges can include a lack of financial resources, aging infrastructure, management limitations and high staff turnover. EPA expects to make available up to \$500,000 to provide training and technical assistance to tribally-owned and operated public water systems.

Urban Waters Federal Partnership Launches Ambassadors Program

First Ambassador Selected; Will Help Coordinate Los Angeles River Watershed Project The Urban Waters Federal Partnership, made up of 11 federal agencies, recently announced a program in seven cities that will accelerate and coordinate on-the-ground projects that are critical to improving water quality and public health, restoring forest

resources and fostering community stewardship in urban watersheds. Sponsored by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture and the U.S. Department of the Interior, the Urban Waters Ambassadors program will work with state and local governments, non-governmental organizations and other local partners. The Urban Waters Federal Partnership is an effort to help urban and metropolitan areas, particularly those that are underserved or economically distressed, connect with their waterways and work to improve them.

TODAY'S ENERGY SOLUTIONS

EPA Recognizes Saint-Gobain

Saint-Gobain, the world's largest manufacturer of building products and a leading producer of innovative materials, has been awarded the ENERGY STAR Sustained Excellence Award by the U.S. Environmental Protection Agency (EPA) for the second consecutive year. The award recognizes Saint-Gobain's outstanding leadership in energy management and reductions in greenhouse gas emissions. Through its U.S. subsidiaries, the Company continues to be the only manufacturer of glass containers or fiberglass insulation ever to receive the award.